

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 05-10053-NMG
)	
TYRONE B. BATTLE,)	
a/k/a TYERONE BATTLE,)	
)	
Defendant.)	

JOINT INITIAL STATUS MEMORANDUM

Pursuant to Local Rule 116.5(A), the parties hereby submit this Joint Initial Status Report to advise the Court of the following:

1. Government's disclosure of automatic discovery was just submitted on April 18, 2005.¹ As such, the parties have not yet been able to assess whether any letters requesting discovery and/or motions for discovery will need to be filed. Therefore, the parties seek relief from the otherwise applicable timing requirements imposed by L.R. 116.3.
2. The defendant and government seek discovery concerning any expert witnesses, pursuant to Fed. R. Crim. P. 16(a)(1)(E). The government has agreed to provide the defendant with discovery concerning any expert witnesses twenty-eight (28) days before trial, and the defendant has agreed to provide the government with any reciprocal discovery concerning expert witnesses within fourteen (14) days of trial as required under Fed. R. Crim. P. 16(b)(1)(C).
3. Although the government has provided the defendant with all documents and other discoverable materials in this case pursuant to automatic discovery, the government may receive additional discoverable information, which it will turn over to the defense. Additionally, the defendant does not presently have any discoverable information, but pursuant to their agreement to provide reciprocal discovery, will provide the government with

¹The actual due date for disclosure of the government's automatic discovery was April 12, 2005. However, due to other pressing matters, the government sought a six-day extension for compliance, for which counsel for the defendant gave his assent.

any such information received in the future.

4. The defendant anticipates filing a motion to suppress, and, therefore, the parties request that the Court establish a motion date under Fed. R. Crim. P. 12.
5. The parties also request that the period between April 12, 2005 and the date of the next scheduled Status Conference be excluded under the Speedy Trial Act.
6. At the time of this writing, the parties have not yet been able to assess whether a trial will be necessary in this case.
7. The parties request that an Interim Status Conference be scheduled for a date in mid to late May, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

TYRONE B. BATTLE,
Defendant

By: /s/Antoinette E.M. Leoney /s/Mark W. Shea/AEL
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3103
Mark W. Shea, Esq.
Shea, LaRocque & Wood, LLP
47 Third Street, Suite 201
Cambridge, MA 02141-1265
(617) 577-8722

Dated: April 20, 2005